

REMARKS

Claims 1-41 and 43-47 are pending in the application. Claim 4 has been amended for clarity. Minor amendments have also been made to claims 11, 35 and 39 to clarify the claim language. Claims 37 and 43 have been amended to incorporate the elements of claims 42 and 48, respectively, each of which are canceled. No new matter has been introduced by this amendment.

In the Official Action, claim 4 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for lack of antecedent basis. Applicant has amended claim 4 for clarity, and respectfully requests reconsideration and withdrawal of the § 112 rejection.

Claim 11 has been amended to include the word "claim" in the header. Claim 35 has been amended to improve the grammar, and claim 39 has been amended to remove the extra term "comprising." No new matter has been introduced by these amendments.

With further reference to the Official Action, claims 1-4, 7, 9-16, 19, 21-23, 28-30, 32, 34-38, 40-44, 47 and 48 stand rejected under 35 U.S.C §102(e) as being anticipated by U.S. Patent No. 6,289,455 to Kocher et al. (hereinafter "Kocher"). Remaining claims 5, 6, 8, 17, 18, 20, 24-27, 31, 33, 39, 45 and 46 were rejected under 35 U.S.C. §103(a) as being obvious over Kocher in view of U.S. Patent No. 6,248,946 to Dwek.

Kocher describes a methodology for the prevention of piracy of digital content through elaborate encryption and decryption techniques, i.e., specialized computer hardware that governs access and usage of digital content by authorized users. The methodology and techniques of Kocher, however, differ from the claimed invention in a variety of ways enumerated below.

Regarding claims 1, 16 and 28, as well as the dependent claims therefrom, Kocher fails to recite a claimed element in those claims requiring only analog signal output. Applicant has reviewed the various cited passages of Kocher set forth in the Office Action, i.e., Figure 2; Col. 8, lines 1-28; col. 9, lines 17-60, and failed to find any teaching in this regard. Other than the mere use of the word "analog" in an incidental way, Applicant respectfully disagrees with the broad interpretation of the Kocher reference set forth in the Office Action. Reconsideration and withdrawal of the § 102(e) rejection of at least claims 1-4, 7, 9-16, 19, 21-23, 28-30, 32, and 34-36 are, accordingly, respectfully requested.

With regard to claims 37 and 43 and the claims dependent therefrom, Applicant respectfully submits that the Kocher portions cited in the Official Action fail to employ at

least one or two encrypting keys in the manner of the present invention. In an effort to better clarify the invention, Applicant has amended claims 37 and 43 to include the limitations of claims 42 and 48, respectively, thereby better elucidating the nature of the encrypting keys employed in the present invention. In particular, one such key is based upon the specific device that will receive a protected file, and another such key relates to an identification associated with the user, e.g., their smartcard ID number. With claims 37 and 43 amended thusly, Applicant respectfully submits that claims 37 and 43, as well as claims 38, 40, 41, 44, and 478, are readily distinguishable over the digital rights protection paradigm of Kocher, which, although employing content encryption, generates the keys differently and employs them differently. Reconsideration and withdrawal of the § 102(e) rejection of claims 37, 38, 40, 41, 43, 44 and 47 are respectfully requested.

Secondary reference Dwek generally describes techniques for the flexible delivery of multimedia content to users across a network, a media player for download, and a variety of other ancillary functions for such usage. The deficiencies of Dwek are manifest, and it's very generality is being used to bolster the aforementioned problems of the primary reference, Kocher. Nonetheless, since Dwek fails to disclose or suggest sole analog outputs, encryption keys based upon a device and a user, and other aspects of the claimed invention, Applicant respectfully submits that Dwek fails to cure any of the deficiencies of the primary reference. Reconsideration and withdrawal of the § 103(a) rejection of claims 5, 6, 8, 17, 18, 20, 24-27, 31, 33, 39, 45 and 46 are, accordingly, respectfully requested.

The prior art made of record but not relied upon, i.e. U.S. Patent Nos. 6,480,961 and 6,560,651, appears no more relevant than the above-cited references, and, in view of the arguments presented herein, readily distinguishable from the presently claimed invention.

CONCLUSION

In view of the above amendments and remarks, Applicants respectfully submit that the outstanding rejections have been overcome and the case is now in condition for allowance. Applicants, accordingly, respectfully request that a timely Notice of Allowance be issued in this case.

Should the Examiner have any further suggestions or observations that would facilitate further prosecution or allowance of this case, the Examiner is invited to contact Applicants' representative designated below.

Respectfully submitted,



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